

REMARKS

Claims 1-19 are pending in the application. Claims 2, 3, 8-10, and 12-17 have been canceled. Claims 1, 4, 7, 11, 18 and 19 have been amended to more clearly delineate the claimed invention. Support for the amendments to claims 1 and 3 can be found at least at page 7, line 25, and at page 52 at Example 5. Claims 20-29 are new. Support for new claims 20-29 can be found throughout the specification as originally filed. As such, claims 1, 4-7, 11, and 18-29 will be pending upon entry of the within amendment.

Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the instant Office Action, and was done solely to expedite prosecution of the application. No new matter has been added.

Claim Rejections – 35 U.S.C. §102

Claims 1, 3, 8-10 and 19 are rejected as allegedly anticipated by Gade et al., (Chemische Berichte (1992), 125(1), 127-141). It is alleged that Gade discloses a compound of the Applicants' claims wherein R₂ is t-butyl.

Applicants traverse but have amended claims 1 and 4 to exclude the compound disclosed in Gade. The rejection is overcome and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §112, first paragraph

Claims 18 and 19 are rejected under 35 U.S.C. §112, first paragraph, as allegedly not enabled for preventing or treating cardiovascular diseases, bone or joint diseases, infectious diseases, inflammatory diseases, or kidney diseases.

Applicants traverse but have amended claims 18 and 19 to include text regarding the inhibition of cell death and apoptosis. Support for the amendments can be found at least in Experimental Example 1, found on pages 66-68 of the application as filed. The rejection is overcome and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §112, second paragraph

Claims 1-6 and 8-19 are rejected under 35 U.S.C. §112 as allegedly indefinite. It is alleged that the phrases “may have substituents” and “having optionally substituents” are indefinite. It is further alleged that the terms “optionally substituted amino” and “optionally substituted branched alkyl” are indefinite.

Applicants traverse but have amended claim 1 to recite the claim elements found in claim 3. Further, Applicants contend that the definitions of “optionally substituted” and “substituents” can be found in the specification as originally filed, at least at pages 15-21. The rejection is overcome and withdrawal of the rejection is respectfully requested.

Claim 1 is rejected under 35 U.S.C. §112 as allegedly indefinite. It is alleged that the term “acyl” is indefinite. Applicants traverse but have amended claim 1 to recite the claim elements found in claim 3. Further, Applicants contend that the definitions of “optionally substituted” and “substituents” can be found in the specification as originally filed, at least at pages 15-21. The rejection is overcome and withdrawal of the rejection is respectfully requested.

Claims 8, 9, and 12-17 are rejected under 35 U.S.C. §112 as allegedly including a method in a composition claim. Claims 8, 9, and 12-17 have been canceled without prejudice. The rejection is overcome and withdrawal of the rejection is respectfully requested.

Claim 11 is rejected under 35 U.S.C. §112 as allegedly indefinite. It is alleged that the composition does not include a carrier. Applicants traverse but have amended claim 11 to include a pharmaceutically acceptable carrier. Support for pharmaceutical carriers provided by the invention are provided by the application as filed, at least at page 36, lines 17-23. The rejection is overcome and withdrawal of the rejection is respectfully requested.

Claim 10 is rejected under 35 U.S.C. §112 as allegedly indefinite. It is alleged that the term “prodrug” is indefinite. Claim 10 has been canceled without prejudice. Additionally, claims 18 and 19 have been amended to remove the recitation of “prodrug.” The rejection is overcome and withdrawal of the rejection is respectfully requested.

Claim 18 is rejected under 35 U.S.C. §112 as allegedly indefinite. It is alleged that the claim does not recite any method steps. Applicants disagree and respectfully traverse. Claim 18 includes the phrase “administering to a mammal an effective dose of the compound,” thus providing a method step. The rejection is obviated and withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 U.S.C. §101

Claim 18 is rejected under 35 U.S.C. §101 as allegedly lacking utility. It is alleged that the claim does not recite any method steps. Applicants disagree and respectfully traverse. Claim 18 includes the phrase “administering to a mammal an effective dose of the compound,” thus providing a method step. The rejection is obviated and withdrawal of the rejection is respectfully requested.

Claim Objections

Claim 7 is objected to as allegedly dependent on a rejected base claim. Applicants contend that claim 1, to which claim 7 depends, has been amended. The objection is overcome and withdrawal of the objection is respectfully requested.

In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.


The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 68136(46342).

Application No. 10/537,520
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Respectfully submitted,

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